

**Ordinance Amending Residential Rental
Ordinance Number 1800 and
Corresponding LaSalle City Code Sections**

WHEREAS, it is necessary to protect the public health and safety by ensuring rental units comply with minimum housing standards of city ordinances; and

WHEREAS, the necessity exists to protect the character and stability of residential areas; and

WHEREAS, the necessity exists to correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings; and

WHEREAS, the necessity exists to prevent the overcrowding of dwellings by requiring compliance with minimum space standards per occupant for each dwelling unit; and

WHEREAS, the necessity exists to facilitate the enforcement of minimum standards for the maintenance of existing residential buildings and thus to prevent slums and blight; and

WHEREAS, the necessity exists to preserve the value of land and buildings throughout the city.

WHEREAS, the City of LaSalle deems it to be an appropriate exercise of its corporate powers, including, but not limited to, those powers set forth above herein, and further including, but not limited to, the Home Rule Powers of the City of LaSalle that Ordinance Number 1800 and the corresponding City of LaSalle Code Sections be amended as provided herein;

NOW THEREFORE be it ordained by the City council of the City of LaSalle that Ordinance Number 1800 and certain provisions of LaSalle City Code Chapter 152 be amended to provide that which is set forth in the above referenced recitals which are hereby made a part of this ordained portion of the Ordinance and additionally to provide as follows:

SECTION ONE. That Residential Rental Licensing Ordinance Number 1800 and §152.01 of the LaSalle City Code and specifically the definition section shall be amended to provide as follows:

TENANT. Shall mean an adult lessee and/or adult occupant who is a resident of rental residential property other than a lessee who occupies the rental residential property pursuant to the lease of the lessee with the owner.

SECTION TWO. That Residential Rental Licensing Ordinance Number 1800 and the provisions of Section 152.02 of the LaSalle City Code are hereby amended to provide as follows:

§152.02. INSPECTION RIGHTS AND PENALTIES: NO EFFECT ON LEASES.

(A) The remedies provided by this Ordinance are also in addition to remedies provided and available to the City of LaSalle and law enforcement agencies in reference to alleged violations of other Ordinances and/or alleged violations of criminal laws of the State of Illinois and/or the United States of America. This chapter shall not be construed as to restrict the right of this City to inspect any property nor to seek penalties for violations of other provisions of other City ordinances, State and/or Federal law and/or State and/or Federal regulations.

(B) That in addition to the provisions regarding fees charged in regard to applications as provided within Section 4 of Residential Rental Licensing Ordinance Number 1800 as amended herein and further as provided in Section 152.04 of the LaSalle City Code, there shall henceforth be the following additional fees and charges.

1. That in regard to fees in connection with inspections required and/or allowed by this Ordinance, the following additional charges shall be applicable.

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|--|-----------|
| (a) Initial inspection and/or initial change of tenancy inspection as provided for in this ordinance | - No Fee |
| (b) First follow-up inspection in regard to initial required inspection and/or change of occupancy inspection in respect to compliance with the recommendations and requirements of the initial inspection/change of tenancy | - No Fee |
| (c) Second follow-up inspection in regard to compliance regarding the recommendations and requirements of the initial inspection and/or change of tenancy inspection | - \$25.00 |
| (d) Third follow-up inspection in regard to compliance regarding the above referenced requirements and/or recommendations of the initial inspection and/or change of tenancy inspection | - \$50.00 |
| (e) That there shall be an additional charge assessed and due from the owner in regard to any scheduled inspection missed by the owner | - \$50.00 |

That additionally, it is provided that the above graduated fee for inspection schedule and related charges shall be reinitiated upon each change of tenancy/occupancy provided that the landlord has previously complied with any required remediation in accord

with earlier inspections. (i.e., in the event that there should be a change of occupancy following an initial inspection concerning which there had been compliance with the requirements of this Ordinance as approved by the building inspector, then the new change of tenancy/occupancy shall have no fee charged for the initial inspection on said change of occupancy.

(C) This chapter is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, or of a rental residential property.

SECTION THREE. The Residential Rental Licensing Ordinance Number 1800, §4(a) and (b) and Section 152.04 of the LaSalle City Code are hereby amended to provide as follows:

§152.04. LICENSE APPLICATION.

(A) Each applicant for a license or renewal license to maintain a rental residential property for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit or a rooming unit shall file a written application with the Code Official stating:

- (1) The full legal name, address, and home and work telephone numbers of each and every owner of the rental residential property.
- (2) The address of the rental residential property.
- (3) The number of dwelling units or rooming units within the rental residential property.
- (4) In the case of a rental residential property owner who does not reside within a twenty-five mile radius of LaSalle City Hall (745 Second Street, LaSalle, IL), the name, address and phone number of his or her agent with authority for receipt of service or notice of a violation of the provisions of this chapter and/or for receipt of service or notice related to compliance and/or enforcement of this chapter and/or the building or zoning ordinances of the City of LaSalle.
- (5) Whenever there is a change in the ownership of a rental residential property or the owner's property agent, the owners shall, within 30 days of such changes, file an updated written notice with the Code Official indicating such changes.
- (6) The total square footage designated for living and sleeping purposes within the rental residential property as determined by the city's property maintenance code.
- (7) Approval must be obtained from the Code Official prior to any change being made in the number of dwelling units or rooming units within a licensed rental residential property. Application for such change shall be made on a form provided by the Code Official. The Code Official will review the proposed change and

respond to the property owner within 30 days of the filing of the application. Any and all changes must meet all zoning, property maintenance code and building code requirements of the City of LaSalle. If the change increases the total number of dwelling units or rooming units in the building beyond 2, plans from a licensed architect must be submitted to the code official for approval.

(8) The full legal name of the adult tenant and/or adult tenants of the rental residential property. Additionally, the owner shall provide written notice to the City of any change in the tenant and/or pursuant to the definition of tenant as provided herein, adult occupant of the rental residential property.

(B) Each application for a new license or renewal of an existing license shall be accompanied by a fee of \$30.00 for single family dwelling residential rental property, \$30.00 for multiple family dwelling residential rental property and \$30.00 for rooming house residential rental property. In addition thereto, a dwelling unit and rooming unit fee of \$30.00 will be assessed for each dwelling unit and rooming in excess of one. The fee shall be required to be paid with the application in regard to any new license application. Any newly issued license shall be valid unless suspended and/or revoked as provided herein from the date of issuance up to and including the next prospective September 30th. All residential rental licenses shall expire on September 30th of each year. The charge regarding any renewal shall be as aforesaid in the amount of \$30.00. Additionally, in the event that any fee due in regard to a renewal of an existing license shall not be paid by September 30th of any given year, then in that event, there shall be an additional late charge assessed in the amount of an additional sum of \$20.00 regarding the renewal. All fees and charges required by this Ordinance shall be due and payable at the office of the City of LaSalle Comptroller and Billing Department.

SECTION FOUR. That the provisions of Section 5 of Residential Rental Licensing Ordinance Number 1800 and §152.05 of the LaSalle City Code are hereby amended to provide as follows:

(A) All rental residential property shall be subject to an inspection as a condition to the issuance of the license prior to the occupancy by a tenant and prior to the issuance of the initial license and/or after any change in tenancy, which per the definition of tenant in this Ordinance includes a change of adult occupancy. However, no change in tenancy inspection shall be required in the event that the residential rental premises involved in the change of tenancy have passed inspection satisfactory to the Building Inspector within ninety (90) days preceding the change in adult tenancy. Additional inspections shall be allowed to the City upon a request of a tenant or owner, or upon the City determining that probable cause exists for a violation of the provisions of this Ordinance and/or any other City Code for the purpose of determining whether the residential rental property is in compliance with all applicable property maintenance laws, and further in compliance with the City's Zoning Ordinance, and all other applicable provisions of this Chapter of the LaSalle City Code. Any such inspection shall also within the discretion of the Building Inspector include a physical inspection of the residential property including the building exterior, common areas, basement and all individual units of the rental residential property.

(B) That notwithstanding the provisions within §152.05(A) above, in the event that the owner shall have provided written notice to the City of LaSalle of a request for initial inspection and/or request for inspection based upon change of tenancy/occupancy as provided herein by either certified mail, return receipt requested, addressed to the City of LaSalle Building Inspector c/o 745 Second Street, LaSalle, IL 61301 or to the e-mail address of the City of LaSalle Building Inspector presently at c.covert@lasalle-il.gov and in the further event that following receipt of said notice the City shall not within five (5) days perform an inspection then in that event the premises may be leased and occupied by tenants without the issuance of the license, with the City however retaining the right to reasonably inspect the premises regarding said initial issuance and/or change of occupancy within ninety (90) days of said written notice.

(C) When a licensing inspection of a rental residential property reveals any violations of applicable ordinances, a compliance time frame will be set by the Code Official. In establishing a compliance time frame, the Code Official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. In the event that the property is unoccupied at the time that an inspection of a rental residential property reveals any violations of applicable ordinances, the Building Inspector shall have the discretion to require, depending upon a circumstance as deemed appropriate within the appropriate exercise of discretion by the Building Inspector that corrections in regard to the full remediation and compliance be made prior to the residential rental property being allowed to be reoccupied. The Code Official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. The notice shall include the following:

- (1) Description of the property sufficient for identification;
- (2) A statement listing the violations of applicable ordinances;
- (3) A statement of the date upon which the licensing re-inspection will occur; and
- (4) An explanation that if upon completion of the licensing re-inspection that the requirements of applicable city ordinances have not been met, a written denial of the license application revoking the temporary certificate will be issued.

(E) A licensing re-inspection will be conducted as provided above in the event of change of tenancy, which per the definition of this Ordinance shall include change in adult occupancy. The license shall remain in effect upon the successful completion of a licensing re-inspection that determines the rental residential property meets the requirements of applicable city ordinances. If the Code Official finds that the requirements of applicable city ordinances have not been met, or that any information provided in the license application is false, the license shall be suspended or revoked in accordance with §152.08.

(F) Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.

SECTION FIVE. That the provisions of §10 of Residential Rental Licensing Ordinance Number 1800 and LaSalle City Code §152.10 are hereby amended to provide as follows:

§152.10 INSPECTION ACCESS.

If any owner, property agent, tenant, occupant or other person in control of a rental residential property or a dwelling unit or a rooming unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit or rooming unit under his or her control for any inspection pursuant to this chapter, the Code Official or his or her designee may apply to the circuit court for a search warrant or other appropriate court order authorizing such inspections. However, except in an emergency situation, no application for such a search warrant shall be made without first making a reasonable effort to secure access and entry to the property or dwelling unit or rooming unit through the owner or the owners property agent as identified by the owner pursuant to §4(A) and §9(B) herein.

SECTION SIX. That additionally, the LaSalle City Code is further hereby amended to include §152.12 as follows:

§152.12. SEVERABILITY

If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent of the city council that this ordinance would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section or part thereof not been included.

SECTION SEVEN. That additionally, Rental Residential Licensing Ordinance Number 1800, §12 and LaSalle City Code §152.99 are hereby amended to provide as follows:

§ 152.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter, in addition to other legal and equitable remedies available to the city, shall be fined as provided below:

(A) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of an offense. Except in cases where a different penalty is prescribed by any ordinances of the city, any person convicted of an offense under this chapter of the City of LaSalle shall be punished by a fine of not less than \$50 nor more than a fine of \$750.

(B) Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.

(C) In all cases where the same offense is made punishable or is created by different clauses or sections of this chapter, the prosecuting officer may proceed to hearing under any and all such sections any clauses; but not more than a maximum fine of \$750 shall be had against the same person or entity for the same day of the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(D) The levy and/or payment of any penalty or fine provided in this chapter shall not be deemed a waiver of the power of the city to suspend, revoke or refuse to renew any license or permit for cause.

SECTION EIGHT. That this Ordinance shall be in full force and effect on the date which is thirty (30) days subsequent to its passage, approval and publication as provided by law in regard to the amendments hereto to §152.01, §152.02, §152.04(a), §152.05, §152.10, §152.12 and §152.99; the provisions of §152.04(b) and specifically those in regard to late charges and in regard to initial licensing and/or renewal licensing fees shall become effective on September 30, 2015 regarding the licensing fee due on September 30, 2015.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of LaSalle, LaSalle County, Illinois, held on the 21st day of October, 2014, by a roll call vote, with:

MAYOR AND ALDERMEN	AYE VOTE	NAY VOTE	ABSTAIN / ABSENT
James Demes	X		
James W. Bacidore	X		
Tom Ptak	X		
Jerry Reynolds	X		
John Lavieri	X		
John S. Duncan, III	X		
Therold Herndon	X		
Mark Schneider	X		
Jeff Grove, Mayor			

APPROVED: _____, Dated ____/____/2014
Mayor

ATTEST: _____, Dated ____/____/2014
City Clerk, City of LaSalle